

**CHAPTER 61                    OUT-OF-SERVICE AND CLOSURE OF UST SYSTEMS**

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**6100                    TEMPORARY CLOSURE**

- 6100.1            For purposes of this section, a UST system shall be deemed temporarily closed when it has been taken out of service for any reason, so that the tank is not being used to receive or dispense product.
- 6100.2            When an UST system is temporarily closed, the owner or operator of the UST system shall comply with the requirements of this section.
- 6100.3            A heating oil tank shall not be deemed temporarily closed until fifteen (15) months after it was last used to receive or dispense product, unless the tank could not have been used to dispense product.
- 6100.4            The owner or operator of an UST system shall inform the Director and the District of Columbia Fire Chief by submitting an amended notification form within seven (7) days of the date the UST system is temporarily closed.
- 6100.5            During the period when an UST system is temporarily closed, but still contains regulated substance, the owner or operator shall continue the operation and maintenance of corrosion protection in accordance with §5901 and release detection in accordance with the provisions of Chapter 60.
- 6100.6            If a release is suspected or confirmed during the period when the UST system is temporarily closed, the owner or operator shall immediately comply with the requirements of §6100.7 and with the applicable requirements of Chapter 62.
- 6100.7            Within ninety (90) days after the date that an UST system is temporarily closed, the owner or operator shall do the following:
- (a)            Remove all regulated substances from the UST system and keep the UST system empty for the balance of the temporary closure period. The UST system shall be deemed to be empty when all substances have been removed using commonly employed practices so that either of the following is achieved:
    - (1)            No more than two and one-half centimeters (2.5 cm) of residue remains in the UST system; or
    - (2)            No more than three-tenths of one percent (0.3%) by weight of the total capacity of the UST system remains in the system;

- (b) Ensure that all vent lines are open and functioning;
- (c) Cap and secure all other lines, pumps, manways, and ancillary equipment; and
- (d) Within seven (7) days after completing the activities required by §6100.7(a) through (c), the owner or operator shall submit to the Director a completed Contractor Certification form:
  - (1) Signed by the independent third-party service provider who performed the activities stated in §6100.7(a) through (c); or
  - (2) Signed by an independent third-party service provider who has inspected and verified that the owner or operator performed the activities stated in §6100.7(a) through (c).

6100.8 Except as provided in §§6100.9 and 6100.10, the owner or operator shall begin procedures to permanently close the UST system in accordance with the requirements of §6101 at the end of twelve (12) months after the UST system is temporarily closed.

6100.9 The owner or operator may submit a written request for an extension to the Director, not less than thirty (30) days before the expiration of the twelve (12) month temporary closure period.

6100.10 The Director in his or her discretion may approve a request for extension of the twelve (12) month temporary closure period for additional twelve (12) month periods. In making this determination, the Director may consider the reasons for the original temporary closure, the reasons for the request for extension, the nature of the site and the surrounding neighborhood, the potential for harm to the environment from an extended temporary closure and delayed reopening of the UST system, the potential for abandonment of the site, and other relevant factors.

## **6101 PERMANENT CLOSURE OR CHANGE-IN-SERVICE**

6101.1 When an UST system is to be permanently closed or is to undergo a change-in-service, the owner, or operator of the UST system, a responsible party or a remediating party shall comply with each of the requirements of this section.

6101.2 The continued use of an UST system to store a non-regulated substance shall be considered a change-in-service. Before each change-in-service, the owner, operator, a responsible party or a remediating party shall empty and clean the tank by removing and properly disposing of all liquid and all accumulated sludge in compliance with any and all applicable laws and regulations.

- 6101.3 Not less than two (2) weeks before beginning either a permanent closure or a change-in-service of an UST system, the owner and operator, a responsible party or a remediating party shall notify the Director, by submitting a UST/LUST Activity Notification form. Notice shall not be required if such action is taken pursuant to a corrective action plan approved by the Director.
- 6101.4 In complying with the requirements of this section, owners or operators of UST systems, a responsible party or a remediating party shall follow a code of practice developed by a nationally recognized association or independent testing laboratory, as specified by the Director.
- 6101.5 Before a UST system is removed from the ground, the owner, operator, a responsible party or a remediating party shall empty the UST system, if not already emptied during the temporary closure period, and clean it by removing and properly disposing of all liquids and all accumulated sludges in compliance with any and all applicable laws and regulations.
- 6101.6 For each UST system that is to be closed permanently, the owner, operator, a responsible party or a remediating party shall provide notice to the Director as provided in §5603, and then remove the tank from the ground, unless a tank removal variance is granted by the Director, pursuant to §6101.7.
- 6101.7 An owner, operator, a responsible party or a remediating party may apply for a tank removal variance by submitting the following documents:
- (a) A written request for a tank removal variance;
  - (b) Written certification of the existence of the conditions stated in §6101.7, with supporting documentation, from a registered professional engineer certified by the District of Columbia or a registered professional engineer certified in any of the states of Region III of the Environmental Protection Agency who has secured reciprocal certification in the District of Columbia;
  - (c) A Tank Interior Inspection report or the results of analysis of soil borings taken from soil adjacent to the tank if the interior cannot be inspected; and
  - (d) A Closure Assessment report.
- 6101.8 A tank removal variance may be granted, in the discretion of the Director, when removal of the tank is likely to cause substantial structural damage to buildings or other improvements on the property, or there are other compelling circumstances which make removal of the tank infeasible, however, the owner, operator, a responsible party or a remediating party shall comply with all other requirements of this section and §5600.14. Where a variance is granted, the tank shall be emptied, cleaned and filled with an inert solid material.

- 6101.9 Before permanent closure or a change-in-service of a UST system is completed or a tank removal variance is granted, the owner, or operator of the UST system, a responsible party or a remediating party shall conduct a Closure Assessment of the excavation zone to test for the presence of a release in the areas around the UST system where contamination is most likely to be present.
- 6101.10 In selecting sample types, sample locations, and measurement methods for the Closure Assessment, the owner, operator, a responsible party or a remediating party shall consider the method of closure, the nature of the stored substance, the type of backfill, the depth to ground-water, and other factors appropriate for identifying the presence of a release and shall comply with any requirements of the Director pertaining to the number of samples and the location of soil borings or ground-water monitoring wells.
- 6101.11 If contaminated soils or contaminated ground water, or vapor emissions, in excess of the mandatory clean-up criteria of §§6203.9(a), 6203.13 and 6204.1, are discovered during the Closure Assessment, the owner, or operator, a responsible party or a remediating party shall begin corrective action in accordance with the applicable provisions of Chapter 62, except as provided in §§6101.13 and 6101.14.
- 6101.12 No contaminated soils, excavated during removal of a UST or in undertaking corrective action, shall be stockpiled on site. Soil that has been tested and that does not contain any contaminants shall be placed upon and covered with plastic as a soil erosion control measure. Contaminated soil shall be treated or properly disposed of at an approved facility. When approved by the Director, excavated soils may be stockpiled at the excavation site for no more than ten (10) business days pending completion of testing and analysis for contaminants.
- 6101.13 No contaminated soils that exceed Tier 1 risk-based screening levels as set forth in §6209 and that are excavated (taken from the ground) during the tank removal shall be returned to the excavation pit or used on-site without treatment.
- 6101.14 At tank removal, the owner, operator, a responsible party or a remediating party shall remove, treat and properly dispose of at an approved facility:
- (a) Grossly contaminated soils to the maximum extent practicable as determined by the Director; and
  - (b) Contaminated soils, as set forth in §6101.13 or that have the potential to cause contaminants to leach to ground water.

6101.15 In the case of a release of a regulated substance, an owner, an operator, another responsible party or a remediating party shall evaluate the UST system and excavation zone for permanent closure at the excavation depths and screening levels described in this section:

- (a) After removing contaminated soils to a depth of no more than five (5) feet below the tank bottom and a width of no more than five (5) feet from the sides of the tank, if the levels of chemicals of concern in the soil do not violate the District's Tier 1 screening levels set forth in §6209, and there is no other visible evidence of contamination (such as free product or vapors requiring initial response, initial abatement actions or free product removal pursuant to §§6203 or 6204), no further site assessment shall be required and the UST system shall be considered permanently closed.
- (b) Where soil having levels of chemicals of concern below the Tier 1 screening levels for soil quality cannot be reached after excavating 5 feet below the tank bottom, the responsible party shall take at least one ground-water sample to determine whether any Chemicals of Concern in groundwater violate the Tier 1 screening levels.
- (c) If the owner, operator, another responsible party or remediating party can achieve Tier 1 soil quality standards through the removal of additional soils in the excavation zone; the Tier 1 ground-water standards set forth in section 6210 are not violated; and there is no other visible evidence of contamination (such as free product or vapors requiring initial response, initial abatement actions, or free product removal pursuant to §§6203 or 6204), no further site assessment shall be required and the UST system will be considered permanently closed.
- (d) If after excavation of soils surrounding the UST system the criteria set forth in paragraphs (a), (b) or (c) of this subsection cannot be met, then the owner, operator, another responsible party or a remediating party shall begin corrective action in accordance with the applicable provisions of Chapter 62 as directed by the Director.

6101.16 Within thirty (30) days after completing the permanent closure or change-in-service activities, the owner, operator, a responsible party or a remediating party shall submit a Closure Assessment Report to the Director in a format provided by the Director, and include a closure notification form.

## **6102 PREVIOUSLY CLOSED UST SYSTEMS**

6102.1 If the Director determines that any release or suspected release from an UST system that was abandoned, removed, or permanently closed, poses a current threat or potential threat to human health and the environment, the Director may direct the owner or operator of the UST system or any other responsible party to assess the excavation zone and close the UST system in accordance with the provisions of §6101.

6102.2 If the Director determines that an UST system has not been permanently closed or abandoned in accordance with the provisions of this chapter, the Director shall direct the owner or operator of the UST system or any other responsible party to permanently close the UST system and assess the excavation zone in accordance with the provisions of §6101.

**6103 CLOSURE RECORDS**

6103.1 Each owner, operator, a responsible party or remediating party shall maintain records in accordance with §5602 of this Subtitle that are capable of demonstrating compliance with closure requirements under this chapter.

6103.2 The results of a Closure Assessment required under §6101.9 shall be maintained, in accordance with the provisions of §5602 for at least three (3) years after completion of permanent closure or change-in-service by one (1) of the following methods:

- (a) By the owner, operator, a responsible party or remediating party who took the UST system out of service;
- (b) By the owner, or operator of an in-service UST system or a responsible party or remediating party for the leaking UST system site; or
- (c) By delivering the records to the Director, in accordance with the provisions of §5602.